

REMARKS

Claims 1-14 and 27-33 are pending.

The amendments to claims 28, 30, 31, and 33 are supported in the original disclosure at, for example, page 9, lines 17-21. Conforming amendments have been made to claims 29 and 32. Approval and entry are respectfully requested.

Claim Rejections -- 35 U.S.C. § 103

Claims 1-14 and 27-33 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 2,675,338 to Phillips in view of U.S. Patent No. 6,312,540 to Moyes. Applicant respectfully traverses this rejection.

Applicant notes that in the previous Office Action the claims had been rejected under Section 103(a) based on Moyes alone. Implicitly acknowledging that Moyes does not render the claims obvious, the Examiner now relies on Phillips as well. Applicant respectfully submits that the addition of Phillips to the rejection does not overcome the shortcomings of Moyes.

Moyes presses composite blanks, a skill discussed in the background section of the present application at page 4, lines 13-20, reproduced below:

Attempts to reform, or "post-form", a flat pressed wood composite blank into a molded blank having contoured portions have had varying results. For example, methods for reforming a wood composite blank are disclosed by Moyes in U.S. Patent Nos. 6,312,540 and 6,079,183, the disclosures of which are incorporated herein by reference and the assignee of which is the assignee hereof. Wood composite blanks are comprised of reconstituted wood fibers that have been broken down into small wood chips and/or wood fiber particles. These particles are bonded together with a synthetic resin to form the composite blank.

The post-forming operation of Moyes is premised on the ability to flow the wood

chips/particles in a resin for repositioning into a desired configuration. The resulting door skin has an appearance that does not closely resemble natural solid wood, as evidenced by Moyes' use of laminated crepe paper or phenolic resin crepe paper to conceal the door skin surfaces. See Col. 4, lines 65-67 of Moyes.

Unlike the free-flowing nature of the composite materials of Moyes, plywood has relatively non-disrupted and unreduced size wood fibers in solid wood plies. The solid wood ply or plies of Phillip's plywood do not freely flow in a resin in the same manner as wood fibers of a composite material. Given the fundamental differences between composite materials and plywood, a person of ordinary skill in the art would not have had a reasonable expectation that the composite-material treatment process of Moyes, which is based on the flow of resin and wood fibers and the disruption of lignin by fiber reduction, could be applied successfully to a plywood board such as disclosed in Phillips.

Accordingly, Applicant respectfully requests that the obviousness rejection be withdrawn and claims 1-14 and 27-33 be allowed.

Additionally, claims 4-6 and 28-33 recite that the conditioning step is performed with steam. Applicant respectfully submits that Phillips expressly teaches away from use of high temperature treatment of any kind prior to cure of the thermosetting resinous component of its adhesive material, stating at column 3, lines 1-7 as follows:

One may use, however, some small measure of heat if desired **but under no circumstances should the temperature be permitted to rise above about 50°C.** This is, of course, during the preliminary step wherein the structure is substantially flat.

(Emphasis added.)

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the

reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Icon Health & Fitness, Inc.*, 2007 U.S. App. LEXIS 18244 (Fed. Cir. 2007), citing *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). When the prior art teaches away from a combination, that combination is more likely to be nonobvious. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739-40 (U.S. 2007). In fact, where the prior art discourages from attempting the substitution suggested by the applicant, such teachings are “strongly probative of nonobviousness”. *Kloster Speedsteel AB v. Crucible Inc.*, 230 U.S.P.Q. 81, 86 (Fed. Cir. 1986), *cert. denied*, 479 U.S. 1034 (1987).

The issue of teaching away from the claimed invention has been squarely dealt with a number of times, beginning with the seminal case of *Lyon v. Bausch & Lomb*, 106 U.S.P.Q. 1 (2d Cir. 1955). The *Lyon* case is particularly instructive inasmuch as the issue there was one of a matter of degree of temperature. Specifically, in *Lyon*, the prior art cooled a surface in order to enhance deposition of a coating material on the surface. *Lyon* did the opposite; he heated the surface. The applicability of the facts to this case are believed readily apparent.

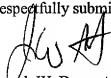
Given Phillip’s teaching that “under no circumstances” should its plywood be heated above 50°C, a person of ordinary skill in the art would have taken this mandate as a proscription against the use of steam.

For these additional reasons, Applicant respectfully submits that the Section 103(a) rejection of claims 4-6 and 28-33 is misplaced, and respectfully requests withdrawal of the same.

Conclusion

Applicant respectfully requests withdrawal of all rejections and allowance of the pending claims in light of the remarks and amendments herein. Should it be determined that any fees are due in connection with this filing, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,



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